

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.9 and 135.11, the Department of Public Health hereby amends Chapter 172, "Declaratory Orders," Iowa Administrative Code.

This chapter provides a description of the form, content and filing of petitions for declaratory orders, the procedural rights of persons in relation to the petitions, and the disposition of the petitions. The amendments strike the references to 1998 Iowa Acts.

Notice of Intended Action was published in the January 27, 2010, Iowa Administrative Bulletin as **ARC 8495B**. No public comments were received. The adopted amendments are identical to those published under Notice.

These amendments were adopted by the State Board of Health on March 10, 2010.

These amendments will become effective on May 12, 2010.

These amendments are intended to implement Iowa Code section 17A.9.

The following amendments are adopted.

ITEM 1. Amend subrule 172.8(1) as follows:

172.8(1) Within the time allowed by ~~1998 Iowa Acts, chapter 1202, section 13(5)~~ Iowa Code section 17A.9, after receipt of a petition for a declaratory order, the department or designee shall take action on the petition as required by ~~1998 Iowa Acts, chapter 1202, section 13(5)~~ Iowa Code section 17A.9.

ITEM 2. Amend subrule 172.9(1), introductory paragraph, as follows:

172.9(1) The department shall not issue a declaratory order where prohibited by ~~1998 Iowa Acts, chapter 1202, section 13(4)~~, Iowa Code section 17A.9 and may refuse to issue a declaratory order on some or all questions raised for the following reasons:

ITEM 3. Amend **641—Chapter 172**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 17A ~~as amended by 1998 Iowa Acts, chapter 1202~~.

[Filed 3/15/10, effective 5/12/10]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/7/10.